

United States District Court
District of Massachusetts

)	
United States of America)	
)	
v.)	Criminal Action No.
)	21-10208-NMG-5
Robyn Costa,)	
)	
Defendant.)	
)	

MEMORANDUM & ORDER

GORTON, J.

This case involves nine criminal defendants charged with various drug trafficking and firearms offenses. Pending before the Court is the motion of one of those defendants, Robin Costa ("Costa" or "defendant"), for review of the magistrate judge's order of detention pending trial and for release from custody.

I. Background

On July 8, 2021, Robyn Costa ("Costa" or "defendant") was arrested in connection with a five-count indictment charging her and others with certain drug trafficking and firearms offenses. Specifically, Costa was charged with conspiracy to distribute and to possess with intent to distribute 500 grams or more of a mixture and substance containing methamphetamine, in violation

of 21 U.S.C. § 846 (Count I), possession with intent to distribute 500 grams or more of a mixture and substance containing methamphetamine, in violation of 21 U.S.C. §§ 841(a)(1) and 841(b)(1)(A)(viii) (Count IV) and possession of a firearm in furtherance of a drug trafficking offense, in violation of 18 U.S.C. § 924(c)(1)(A)(i) (Count V). Counts IV and V arose from an arrest in April, 2021, when law enforcement officials found a loaded firearm and approximately five pounds of methamphetamine in her vehicle.

After holding a detention hearing on July 16, 2021, United States Magistrate Judge Judith G. Dein ordered that Costa be detained until trial. Although Magistrate Judge Dein concluded that defendant had rebutted the presumption of detention, she found that the government had met its burden of proving that no condition or combination of conditions would reasonably assure the appearance of Costa and the safety of the community.

On August 6, 2021, Costa filed the instant motion challenging Magistrate Judge Dein's detention order and seeking to be released from custody pending trial.

II. Motion for Release from Custody

A. Legal Standard

Section 3142(e) of Title 18 of the United States Code provides that a judicial officer may detain a defendant pending trial if, after a hearing, the judicial officer finds that

no condition or combination of conditions will reasonably assure the appearance of the person as required and the safety of any other person and the community.

18 U.S.C. § 3142(e). The government bears the burden of demonstrating that the defendant poses a danger to the community by clear and convincing evidence or that the defendant poses a flight risk by a preponderance of the evidence. See 18 U.S.C. § 3142(e)-(f).

An individual ordered detained by a magistrate judge may file a motion with the district court with original jurisdiction over the offense seeking review of the magistrate judge's order. See 18 U.S.C. § 3145(b). The district court must engage in de novo review of the contested order. United States v. Oliveira, 238 F. Supp. 3d 165, 167 (D. Mass. 2017).

B. Application

Defendant does not challenge the application of a presumption of detention because she is charged with a drug offense that carries a maximum term of imprisonment of ten years

or more. See 18 U.S.C. § 3142(e)(3)(A). Instead, Costa contends that she should be released because Magistrate Judge Dein found that she had rebutted that presumption and because the government has not met its burden.

After reviewing the evidence presented at the detention hearing, this Court agrees with Magistrate Judge Dein that the government has demonstrated that no condition or combination of conditions would reasonably assure the appearance of the Costa and the safety of the community.

First, Costa poses a significant risk of flight. She faces a mandatory minimum sentence of 15 years in prison and up to life in prison. Substantial evidence including controlled buys, surveillance and wiretaps indicates that Costa purchased large amounts of methamphetamine from her co-defendant and distributed the same to her customers. She also admitted to law enforcement officers that the gun and drugs found in her vehicle belonged to her.

Second, Costa's release would jeopardize the safety of the community. After she was released from custody following her arrest for possession of a firearm and methamphetamine in April, 2021, Costa made arrangements to continue selling drugs and was arrested months later with methamphetamine on her person. That

repetition of illegal conduct demonstrates that there is a strong likelihood she will fail to comply with the conditions of release.

Based upon the facts described above, the Court concludes that Costa should be detained prior to trial despite her ties to the community and her claims of stable housing and employment.

ORDER

For the foregoing reasons, the motion of Robyn Costa for release from custody (Docket No. 72) is **DENIED**.

So ordered.

/s/ Nathaniel M. Gorton
Nathaniel M. Gorton
United States District Judge

Dated September 10, 2021